

2. Noncompliance Notification

- a. If for any reason, the permittee's discharge (1) does not comply with any daily minimum or maximum discharge limitation for an effluent characteristic specified in Provision I. A. of this permit which is denoted by an "(X)", (2) threatens human health or welfare, fish or aquatic life, or water quality standards, (3) does not comply with an applicable toxic pollutant effluent standard or prohibition established under Section 307(a) of the FWPCA, 33 U.S.C. Section 1317(a), (4) contains a quantity of a hazardous substance which has been determined may be harmful to public health or welfare under Section 311(b)(4) of the FWPCA, 33 U.S.C. Section 1321(b)(4), (5) exceeds any discharge limitation for an effluent characteristic as a result of an unanticipated bypass, upset, (6) is an unpermitted direct or indirect discharge of a pollutant to a water of the state (unpermitted discharges properly reported to the Department under any other requirement are not required to be reported under this provision), the permittee shall orally report the occurrence and circumstances of such discharge to the Director within 24-hours after the permittee becomes aware of the occurrence of such discharge. In addition to the oral report, the permittee shall submit to the Director electronically a report (or if acceptable to the Department a written report) as provided in Provision I. C. 2. c. no later than five (5) days after becoming aware of the occurrence of such discharge.
- b. If for any reason, the permittee's discharge does not comply with any limitation of this permit, the permittee shall submit to the Director a report as provided in Provision I. C. 2. c. below, such report shall be submitted with the next Discharge Monitoring Report required to be submitted by Provision I. C. 1. of this permit after becoming aware of the occurrence of such noncompliance.
- c. Any electronic report (or if acceptable to the Department a written report) required to be submitted to the Director by Provision I. C. 2 a. or b. shall be submitted using a copy of the Department's Noncompliance Notification Form provided with this permit and shall include the following information:
 - (1) A description of the discharge and cause of noncompliance;
 - (2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (3) A description of the steps taken and/or being taken to reduce or eliminate the noncomplying discharge and to prevent its recurrence.

D. OTHER REPORTING AND NOTIFICATION REQUIREMENTS

1. Anticipated Noncompliance

The permittee shall give the Director written advance notice of any planned changes or other circumstances regarding a facility, which may result in noncompliance with permit requirements. This information must be submitted electronically unless acceptable to the Department to submit otherwise.

2. Termination of Discharge

The permittee shall notify the Director, in writing, when any point source discharges authorized by this permit have permanently ceased. This notification shall serve as sufficient cause for instituting procedures for termination of the permittees authority to discharge under this General Permit.

3. Updating Information

- a. The permittee shall inform the Director of any change in the permittee's mailing address or telephone number or in the permittee's designation of a facility contact or office having the authority and responsibility to prevent and abate violations of the AWPCA, the Department's Rules and the terms and conditions of this permit, in writing, no later than ten (10) days after such change. Upon request of the Director or his designee, the permittee shall furnish the Director with an update of any information provided in the Notice of Intent.

- b. If the permittee becomes aware that it failed to submit any relevant facts in the Notice of Intent, or submitted incorrect information in the Notice of Intent; or in any report to the Director, it shall promptly submit such facts or information with a written explanation for the mistake and/or omission. This information must be submitted electronically unless acceptable to the Department to submit otherwise.
4. Duty to Provide Information
 - a. Any permittee shall furnish to the Director, within a reasonable time, any information which the Director or his designee may request to determine whether cause exists for suspending or revoking the permittee's authorization to discharge under this General Permit, in whole or in part, or to determine compliance with this permit or to determine if the permittee should be required to apply for an individual permit.
 - b. Any or all permittees shall furnish to the Director, within a reasonable time, any information which the Director or his designee may request to determine whether cause exists for modifying or terminating this permit.
5. New or Increased Discharges

If there is an increase in pollution potential of the discharges from the permittee's facility the permittee must notify the Director in writing. The Director may at his discretion determine under Part II.F. of this permit what action if any will be taken.

E. SCHEDULE OF COMPLIANCE

1. The permittee shall achieve compliance with the discharge limitations specified in Provision I. A. in accordance with the following schedule:

**COMPLIANCE SHALL BE ACHIEVED
ON THE EFFECTIVE DATE OF COVERAGE UNDER THIS PERMIT**

If required, no later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement. This information must be submitted electronically unless acceptable to the Department to submit otherwise.

PART II

A. REQUIREMENTS FOR COVERAGE UNDER THIS GENERAL PERMIT

1. Notice of Intent

Any person wishing to be permitted to discharge under this General Permit shall submit a Notice of Intent to be covered by this General Permit at least 30 days prior to the date of desired coverage. No discharge authorized under this General Permit may commence until the discharger receives the Director's acknowledgement of the Notice of Intent and approval of the coverage of the discharge by this General Permit. The Director's acknowledgement shall include a copy of this General Permit and the appropriate discharge monitoring report forms. **The permittee must complete and submit all Departmental forms available electronically, including the E-NOI, unless the permittee submits in writing valid justification as to why the electronic submittal process cannot be utilized and the Department approves in writing utilization of hard copy submittals.** Departmental forms are available on ADEM's webpage at <http://www.adem.state.al.us/DeptForms/>.

Any person discharging to a municipal storm sewer, sanitary sewer or combination sewer must notify the municipality by letter of the discharge.

2 Content of Notice of Intent

- a. A description of the process generating the discharge for which coverage is desired. This description shall be in sufficient detail to allow the Director to determine that the discharge is included in the category permitted by this General Permit;
- b. The latitude and longitude of the discharge points for each discharge and the name of the waterbody receiving each discharge for which coverage under this General Permit is desired; and
- c. A contact person, address and phone number for the facility or activity to be covered under this General Permit;
 - (1) A Notice of Intent shall be electronically signed (or if acceptable to the Department, traditionally signed) by a person meeting the requirements for signatories to permit application under ADEM Administrative Code Rule 335-6-6-.09 and the person signing the Notice of Intent shall make the certification required for submission of documents under ADEM Administrative Code Rule 335-6-6.09.
 - (2) Signatories to reports, discharge monitoring reports and any other submissions required by this General Permit shall be signed in accordance with the requirements of ADEM Administrative Code Rule 335-6-6.09.

B. OPERATIONAL AND MANAGEMENT REQUIREMENTS

1. Facilities Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities only when necessary to achieve compliance with the conditions of the permit.

2. Best Management Practices

- a. Dilution water shall not be added to achieve compliance with discharge limitations except when the Director or his designee has granted prior written authorization for dilution to meet water quality requirements.
- b. The permittee shall prepare, implement, and maintain a Spill Prevention, Control and Countermeasures (SPCC) Plan in accordance with 40 CFR Part 112 if required thereby.
- c. The permittee shall prepare and implement a Best Management Practices (BMP) Plan according to Part IV of this permit.

3. Spill Prevention, Control, and Management

The permittee shall provide spill prevention, control, and/or management sufficient to prevent any spills of pollutants from entering a water of the state or a publicly or privately owned treatment works. Any containment system used to implement this requirement shall be constructed of materials compatible with the substance(s) contained and which shall prevent the contamination of groundwater and such containment system shall be capable of retaining a volume equal to 110 percent of the capacity of the largest tank for which containment is provided.

C. OTHER RESPONSIBILITIES

1. Duty to Mitigate Adverse Impacts

The permittee shall promptly take all reasonable steps to mitigate and minimize or prevent any adverse impact on human health or the environment resulting from noncompliance with any discharge limitation of

this permit, including such accelerated or additional monitoring of the discharge and/or the receiving waterbody as necessary to determine the nature and impact of the noncomplying discharge.

2. Right of Entry and Inspection

The permittee shall allow the Director, or an authorized representative, upon the presentation of proper identification to:

- a. enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
- b. have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- c. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and
- d. sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the AWPCA, any substances or parameters at any location.

D. BYPASS AND UPSET

1. Bypass

- a. Any bypass is prohibited except as provided in b. and c. below:
- b. A bypass is not prohibited if:
 - (1) It does not cause any discharge limitation specified in Provision I. A. of this permit to be exceeded;
 - (2) It is necessary for essential maintenance of a treatment or control facility or system to assure efficient operation of such facility or system; or
 - (3) It is part of the storm water control system when the intention of the design, as approved by the Director, is to contain the first flush only.
- c. A bypass is not prohibited and need not meet the discharge limitations specified in Provision I. A. of this permit if:
 - (1) It is unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime (this condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance); and
 - (3) The permittee submits a written request for authorization to bypass to the Director at least ten (10) days prior to the anticipated bypass (if possible), the permittee is granted such authorization, and the permittee complies with any conditions imposed by the Director to minimize any adverse impact on human health or the environment resulting from the bypass. This request must be submitted electronically unless acceptable to the Department to submit otherwise.
- d. The permittee has the burden of establishing that each of the conditions of Provision II. D. 1. b. or c. have been met to qualify for an exception to the general prohibition against bypassing contained in a. and an exemption, where applicable, from the discharge limitations specified in Provision I. A. of this permit.

2. Upset

- a. A discharge which results from an upset need not meet the discharge limitations specified in Provision I. A. of this permit if:
- (1) No later than 24-hours after becoming aware of the occurrence of the upset, the permittee orally reports the occurrence and circumstances of the upset to the Director or his designee; and
 - (2) No later than five (5) days after becoming aware of the occurrence of the upset, the permittee furnishes the Director with evidence, including properly signed, contemporaneous operating logs, or other relevant evidence, demonstrating that (i) an upset occurred; (ii) the permittee can identify the specific cause(s) of the upset; (iii) the permittee's facility was being properly operated at the time of the upset; and (iv) the permittee promptly took all reasonable steps to minimize any adverse impact on human health or the environment resulting from the upset.
- b. The permittee has the burden of establishing that each of the conditions of Provision II D. 2. a. of this permit have been met to qualify for an exemption from the discharge limitations specified in Provision I. A. of this permit.

E. DUTY TO COMPLY WITH PERMIT, RULES, AND STATUTES

1. Duty to Comply

- a. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the AWPCA and the FWPCA and is grounds for: enforcement action, termination, or suspension of authorization under this permit; denial of a permit renewal application; a requirement that permittee submit an application for an individual NPDES permit.
- b. The necessity to halt or reduce production or other activities in order to maintain compliance with the conditions of the permit shall not be a defense for a permittee in an enforcement action.
- c. The discharge of a pollutant from a source not specifically identified in the Notice of Intent to be covered under this General Permit and not specifically included in the description of an outfall in this permit is not authorized and shall constitute noncompliance with this permit.
- d. The permittee shall take all reasonable steps, including cessation of production or other activities, to minimize or prevent any violation of this permit or to minimize or prevent any adverse impact of any permit violation.

2. Removed Substances

Solids, sludges, filter backwash, or any other pollutant or other waste removed in the course of treatment or control of storm waters and/or process water shall be disposed of in a manner that complies with all applicable Department Rules.

3. Loss or Failure of Treatment Facilities

Upon the loss or failure of any treatment facility, including but not limited to the loss or failure of the primary source of power of the treatment facility, the permittee shall, where necessary to maintain compliance with the discharge limitations specified in Provision I. A. of this permit, or any other terms or conditions of this permit, cease, reduce, or otherwise control production and/or all discharges until treatment is restored.

4. Compliance With Statutes and Rules

- a. This permit has been issued under ADEM Administrative Code, Chapter 335-6-6. All provisions of this chapter, that are applicable to this permit, are hereby made a part of this permit. A copy of

this chapter may be obtained for a small charge from the Office of General Counsel, Alabama Department of Environmental Management, 1400 Coliseum Boulevard, Montgomery, AL 36110.

- b. This permit does not authorize the noncompliance with or violation of any Laws of the State of Alabama or the United States of America or any regulations or rules implementing such laws. FWPCA, 33 U.S.C. Section 1319, and Code of Alabama 1975, Section 22-22-14.

F. PERMIT TRANSFER, MODIFICATION, SUSPENSION, REVOCATION, REISSUANCE, AND TERMINATION

1. Duty to Reapply or Notify of Intent to Cease Discharge

- a. The permittee authorized to discharge under this General Permit, who wishes to continue to discharge upon the expiration of this permit, shall submit an E-NOI or Notice of Intent to be covered by the reissued General Permit. Such Notice of Intent shall be submitted at least 90 days prior to the expiration date of this General Permit.
- b. Failure of the permittee to submit the appropriate application material for reauthorization under this permit at least 90 days prior to the permit's expiration will void the automatic continuation of the authorization to discharge under this permit as provided by ADEM Administrative Code Rule 335-6-6-.06. Should the permit not be reissued for any reason prior to its expiration date, permittees who failed to meet the 90-day submittal deadline will be illegally discharging without a permit after the expiration date of the permit.

2. Change in Discharge

- a. The permittee shall give notice to the Director at least 180 days in advance of any facility expansion, production increase, process change, or other action that could result in:
 - (1) The discharge of additional pollutants;
 - (2) The increase in the quantity of any discharge such that existing permit limitations would be exceeded;
 - (3) Or that could result in an additional discharge point.

This requirement applies to pollutants that are or that are not subject to discharge limitations in this permit. No new or increased discharge may begin until the Director has reviewed the information and taken appropriate action to authorize the discharge under this General Permit, or until such time as an appropriate action has been taken to authorize the discharge under an individual permit.

- b. The permittee shall notify the Director as soon as it is known or there is reason to believe:
 - (1) That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:
 - (a) One hundred micrograms per liter;
 - (b) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter for antimony;
 - (c) Five times the maximum concentration value reported for that pollutant in the permit application; or
 - (2) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
 - (a) Five hundred micrograms per liter;

- (b) One milligram per liter for antimony;
- (c) Ten times the maximum concentration value reported for that pollutant in the permit application.

3. Transfer of Permit

This permit may not be transferred or the name of the permittee changed without notice to the Director and subsequent modification or revocation and reissuance of the permit to identify the new permittee and to incorporate any other changes as may be required under the FWPCA or AWPCA. In the case of a change in name, ownership or control of the permittee's premises only, a request for permit modification in a format acceptable to the Director is required at least 30 days prior to the change. In the case of a change in name, ownership or control of the permittee's premises accompanied by a change or proposed change in effluent characteristics, a complete permit application is required to be submitted to the Director at least 180 days prior to the change. Whenever the Director is notified of a change in name, ownership or control, he may decide not to modify the existing permit and require the submission of a new permit application.

4. Permit Modification, Revocation and Reissuance (of Modified General or Individual) and Termination

- a. During the term of this General Permit the Director may, for cause, and subject to the public notice procedure of ADEM Administrative Code, Rule 335-6-6-.21, modify or revoke and reissue this General Permit, or terminate it and require all those authorized under it to apply for individual NPDES permits. The causes for this action include but are not limited to the causes listed below:
 - (1) There are material and substantial alterations or additions to the facility or activity generating the discharges which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit;
 - (2) When the Director receives any information that was not available at the time of permit issuance and that would have justified the application of different permit conditions at the time of issuance;
 - (3) When the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued;
 - (4) Upon the failure of the state to notify, as required by Section 402(b)(3) of the FWPCA, another state whose waters may be affected by a discharge;
 - (5) When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology based treatment requirements appropriate to discharge under 40 CFR 125.3(c);
 - (6) To correct technical mistakes, such as errors in calculation, clerical errors or mistaken interpretations of law made in determining permit conditions;
 - (7) If the permit limitations are found not to be protective of water quality standards;
 - (8) To incorporate an applicable 307(a) FWPCA toxic effluent standard or prohibition;
 - (9) When required by the reopener conditions in this permit, and
 - (10) For any applicable cause set forth in ADEM Administrative Code Rule 335-6-6-.17.
- b. Subject to the public notice procedures of ADEM Administrative Code Rule 335-6-6-.21, the Director may terminate this General Permit during its term for any of the causes for modification listed in Part II.F.4.a.

- c. The Director may terminate authorization to discharge under this General Permit for cause. Cause shall include but not be limited to:
- (1) Noncompliance with the permit;
 - (2) Noncompliance with Department Rules;
 - (3) A finding that this General Permit does not control the discharges sufficiently to protect water quality or comply with treatment based limits applicable to the discharge;
 - (4) The permittee's misrepresentation or failure to disclose fully all relevant facts in the permit application or during the permit issuance process or the permittee's misrepresentation of any relevant facts at any time;
 - (5) Materially false or inaccurate statements or information in the permit application or the permit;
 - (6) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
 - (7) The permittee's discharge threatens human life or welfare;
 - (8) Permanent closure of the facility generating the wastewater permitted to be discharged by this permit or permanent cessation of wastewater discharge; and
 - (9) New or revised requirements of any applicable standard or limitation that is promulgated under Sections 301(b)(2)(C),(D),(E),and (F), and 307(a)(2) of the FWPCA that the Director determines cannot be complied with by the permittee.
- d. If the permittee believes that any past or planned activity would be cause for modification or revocation and reissuance of this General Permit under ADEM Administrative Code Rule 335-6-23 (7), or termination and issuance of an individual permit under ADEM Administrative Code Rule 335-6-23 (9) the permittee must report such information to the Permit Issuing Authority. The submittal of a new application may be required of the permittee. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned change, anticipated noncompliance or application for an individual permit, does not stay any permit condition.
5. Issuance by the Director of an Individual NPDES Permit to a Person Eligible for Coverage or Covered by This General Permit.
- a. The Director may require any person, otherwise eligible for coverage under this General Permit, to apply for an individual NPDES permit by notifying that person that an application is required. Notification shall consist of a written description of the reason(s) for the decision, appropriate permit application forms and directions, a statement informing the person that upon issuance of the individual permit coverage by this General permit shall automatically terminate. Reasons for this requirement may be:
- (1) Noncompliance with the General Permit;
 - (2) Noncompliance with Department Rules;
 - (3) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the wastewater being discharged;
 - (4) Effluent guidelines are promulgated for a point source(s) covered by the General Permit;
 - (5) A water quality management plan applicable to the wastewater being discharged under this General Permit;

- (6) Circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under this General Permit or either a temporary reduction or permanent reduction or elimination of the authorized discharge is necessary;
- (7) Standards for sewage sludge use or disposal have been promulgated for the sludge use or disposal practice covered by this General Permit;
- (8) The discharge(s) is a significant contributor of pollutants. In making this decision the Director may consider:
 - (i) the location of the discharges with respect to waters of the state,
 - (ii) the size of the discharger, and
 - (iii) the quantity and nature of the pollutants discharged to waters of the state.
- (9) A determination that the water of the state receiving the discharge is not meeting applicable water quality standards.

6. Request for an Individual NPDES Permit by a Person Covered Under This General Permit.

- a. Any person covered by this General Permit may apply for termination of coverage by applying for an individual NPDES permit.
- b. A permit application submitted voluntarily or at the direction of the Director for the purpose of termination of coverage by this General Permit shall be processed in accordance with the rules found in ADEM Administrative Code 335-6-6 applicable to individual permits.
- c. Any person may petition the Director for withdrawal of this General Permit authority from a discharger. The Director shall consider the information submitted by the petitioner and any other information he may be aware of and may obtain additional information from the discharger and through inspections by Department staff and shall decide if coverage should be withdrawn. The petitioner shall be informed of the Director's decision and shall be provided a summary of the information considered.

7. Request for Permit Action Does Not Stay Any Permit Requirement

The filing of a request by the permittee for any permit action such as termination, or application for individual permit or any other action, does not stay any permit term or condition.

G. COMPLIANCE WITH TOXIC POLLUTANT STANDARD OR PROHIBITION

If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the FWPCA, 33 U.S.C. Section 1317(a), for a toxic pollutant discharged by the permittee and such standard or prohibition is more stringent than any discharge limitation on the pollutant specified in Provision I. A. of this permit, or controls a pollutant not limited in Provision I. A. of this permit, this permit shall be modified to conform to the toxic pollutant effluent standard or prohibition and the permittee shall be notified of such modification. If this permit has not been modified to conform to the toxic pollutant effluent standard or prohibition before the effective date of such standard or prohibition, the permittee shall attain compliance with the requirements of the standard or prohibition within the time period required by the standard or prohibition and shall continue to comply with the standard or prohibition until this permit is modified or reissued.

H. DISCHARGE OF WASTEWATER GENERATED BY OTHERS

The discharge of wastewater, generated by any process, facility, or by any other means not under the operational control of the permittee or not identified in the application for this permit or not identified specifically in the description of an outfall in this permit is not authorized by this permit.

PART III

A. CIVIL AND CRIMINAL LIABILITY

1. Tampering

Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained or performed under the permit shall, upon conviction, be subject to penalties as provided by the AWPCA.

2. False Statements

Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be subject to penalties as provided by the AWPCA.

3. Permit Enforcement

a. Any NPDES permit issued or reissued by the Department is a permit for the purpose of the AWPCA and the FWPCA and as such any terms, conditions, or limitations of the permit are enforceable under state and federal law and as described under Rule 335-6-6-.18.

b. Any person required to have a NPDES permit pursuant to ADEM Administrative Code Chapter 335-6-6 and who discharges pollutants without said permit, who violates the conditions of said permit, who discharges pollutants in a manner not authorized by the permit, or who violates applicable orders of the Department or any applicable rule or standard of the Department, is subject to any one or combination of the following enforcement actions under applicable state statutes.

- (1) An administrative order requiring abatement, compliance, mitigation, cessation, clean-up, and/or penalties;
- (2) An action for damages;
- (3) An action for injunctive relief; or
- (4) An action for penalties.

4. Relief From Liability

Except as provided in Provision II. D. 1. (Bypass) and Provision II. D. 2. (Upset), nothing in this permit shall be construed to relieve the permittee of civil or criminal liability under the AWPCA or FWPCA for noncompliance with any term or condition of this permit.

B. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under Section 311 of the FWPCA, 33 U.S.C. Section 1321.

C. PROPERTY AND OTHER RIGHTS

This permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of federal, state, or local laws or regulations, nor does it authorize or approve the construction of any physical structures or facilities or the undertaking of any work in any waters of the state or of the United States.

D. AVAILABILITY OF REPORTS

Except for data determined to be confidential under Code of Alabama 1975, Section 22-22-9(c), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential.

E. COMPLIANCE WITH WATER QUALITY STANDARDS

1. The permittee may be required by the Director to apply for an individual permit, if the Director determines that discharge under this General Permit causes a violation of a water quality standard or stream use classification.
2. Compliance with permit terms and conditions notwithstanding, if the permittee's discharge(s) from point sources identified in Provision I. A. of this permit cause or contribute to a condition in contravention of state water quality standards, the Department may require the permittee to take abatement action or apply for an individual permit pursuant to the Department's Rules, or both.
3. If the Department determines, on the basis of a notice provided pursuant to this permit or any investigation, inspection or sampling, that a modification of this permit is necessary to assure maintenance of water quality standards or compliance with other provisions of the AWPCA or FWPCA, the Department may require such modification.

F. GROUNDWATER

Unless specifically authorized by a permit issued by the Department, the discharge of pollutants to groundwater is prohibited. Should a threat of groundwater contamination occur, the Director may require groundwater monitoring to properly assess the degree of the problem and the Director may require that the permittee undertake measures to abate any such discharge and/or contamination.

G. DEFINITIONS

1. Authorization - means granted the privilege of discharging under the terms of this General Permit.
2. Average monthly discharge limitation - means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month (zero discharge days shall not be included in the number of "daily discharges" measured and a less than detectable test result shall be treated as a concentration of zero if the most sensitive EPA approved method was used).
3. Average weekly discharge limitation - means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week (zero discharge days shall not be included in the number of "daily discharges" measured and a less than detectable test result shall be treated as a concentration of zero if the most sensitive EPA approved method was used).
4. AWPCA - means the Alabama Water Pollution Control Act.
5. Bypass - means the intentional diversion of waste streams from any portion of a treatment facility.
6. Daily discharge - means the discharge of a pollutant measured during any consecutive 24 hour period in accordance with the sample type and analytical methodology specified by the discharge permit.
7. Daily maximum - means the highest value of any individual sample result obtained during a day.
8. Daily minimum - means the lowest value of any individual sample result obtained during a day.
9. Day - means any consecutive 24-hour period.
10. Department - means the Alabama Department of Environmental Management.

11. Director - means the Director of the Department.
12. Discharge - means "[t]he addition, introduction, leaking, spilling or emitting of any sewage, industrial waste, pollutant or other wastes into waters of the state". Code of Alabama 1975, Section 22-22-1(b)(8).
13. Discharge monitoring report (DMR) - means the form approved by the Director to accomplish reporting requirements of an NPDES permit.
14. EPA - means the United States Environmental Protection Agency.
15. FWPCA - means the Federal Water Pollution Control Act.
16. Landfill Wastewater as defined by 40 CFR Part 445.2 (f) means all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated storm water, contaminated ground water, and wastewater from recovery pumping wells. Landfill wastewater includes, but is not limited to, leachate, gas collection condensate, drained free liquids, laboratory derived wastewater, contaminated storm water and contact washwater from washing truck, equipment, and railcar exteriors and surface areas which have come in direct contact with solid waste at the landfill facility.
17. Notice of Intent – means forms and additional information that are required by ADEM Administrative Code Rule 335-6-6-.23 and applicable permit fees.
18. Permit application - means forms and additional information that is required by ADEM Administrative Code Rule 335-6-6-.08 and applicable permit fees.
19. Point source - means "any discernible, confined and discrete conveyance, including but not limited to any pipe, channel, ditch, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged." Section 502(14) of the FWPCA, 33 U.S.C. Section 1362(14).
20. Pollutant - includes for purposes of this permit, but is not limited to, those pollutants specified in Code of Alabama 1975, Section 22-22-1(b)(3) and those effluent characteristics specified in Provision I. A. of this permit.
21. Qualified Credentialed Professional or QCP means a professional engineer (PE), or a Certified Professional in Erosion and Sediment Control (CPESC) as determined by CPESC, Inc. Other registered or certified professionals such as registered landscape architect, registered land surveyor, registered geologist, registered forester, Registered Environmental Manager as determined by the National Registry of Environmental Professionals (NREP), or Certified Professional and Soil Scientist (CPSS) as determined by ARCPACS, and other Department accepted professional designations, certifications, and/or accredited university programs that can document requirements regarding proven training, relevant experience, and continuing education, that can enable recognized individuals to prepare CBMPP's to make sound professional judgments regarding Alabama NPDES rules, the requirements of this chapter, planning, design, implementation, maintenance, and inspection of construction sites, receiving waters, BMPs, remediation/cleanup of accumulated offsite pollutants from the regulated site, and reclamation or effective stormwater quality remediation of construction associated land disturbances, that meet or exceed recognized technical standards and guidelines, effective industry standard practices, and the requirements of this chapter. The QCP shall be in good standing with the authority granting the registration or designation. The design and implementation of certain structural BMPs may involve the practice of engineering and require the certification of a professional engineer pursuant to Alabama law.
22. Severe property damage - means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
23. Shock chlorination – means the periodic use of chlorine in cooling water systems as a biocide.
24. Upset - means an exceptional incident in which there is an unintentional and temporary noncompliance with technology-based permit discharge limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error,

improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

25. Waters - means "[a]ll waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the state, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership or corporation unless such waters are used in interstate commerce." Code of Alabama 1975, Section 22-22-1(b)(2). Waters "include all navigable waters" as defined in Section 502(7) of the FWPCA, 22 U.S.C. Section 1362(7), which are within the State of Alabama.
26. Week - means the period beginning at twelve midnight Saturday and ending at twelve midnight the following Saturday.

H. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

PART IV

A. STORM WATER MEASUREMENT AND SAMPLING

1. Storm Water Measurement
 - a. All storm water samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches.
 - b. The storm water event must be monitored, including the date and rainfall (in inches) for the storm event(s) sampled. The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event must be a minimum of 72 hours. This information must be recorded as part of the sampling procedure and records retained according to Part I.B.4.b. of this permit.
 - c. During the sampling storm event, rainfall must be reported and may be measured using a rain guage. This information must be recorded as part of the sampling procedure and records retained according to Part I.B.4.b. of this permit.
2. Storm Water Sampling
 - a. A grab sample, if required by this permit, shall be taken during the first thirty minutes of the discharge (or as soon thereafter as practicable); and a flow weighted composite sample, if required by this permit, shall be taken for the entire event or for the first three hours of the event.
 - b. All test procedures will be in accordance with Part I.B.2. of this permit.

B. BEST MANAGEMENT PRACTICES (BMP) PLAN

1. Plan Content for Landfill Activities: The permittee shall prepare (or as required have a QCP prepare) and implement a best management practices (BMP) plan which shall:
 - a. Provide control sufficient to prevent or control pollution of storm water by soil particles to the degree required to prevent violation of the turbidity water quality standard applicable to the waterbody receiving the discharge;

- b. Prevent the spillage or loss of fluids, oil, grease, gasoline, etc. from vehicle and equipment maintenance and repair activities and thereby prevent the contamination of storm water from these substances;
- c. Prevent or minimize the storm water contact with material stored on site;
- d. Designate by position or name the person or persons responsible for the day to day implementation of the BMP;
- e. Provide for at a minimum, two inspections a week, on days during which the facility is manned, of any structures that function to prevent storm water pollution or to remove pollutants from storm water and of the facility in general to ensure that the BMP is continually implemented and effective;
- f. If spillage is a factor during loading and unloading of bulk material, provide for prevention of the mixing of spillage with discharged storm water;
- g. Include a diagram of the facility showing the direction of the storm water flow, the discharge point(s), and the locations of any structures or other mechanisms intended to prevent pollution of storm water or to remove pollutants from storm water, the locations of any collection and handling systems. The site map should also identify the location, size, and contents of any tanks.
- h. Prevent the pollution of storm water by animal wastes;
- i. Bear the signature of the landfill manager or corporate official;
- j. The permittee must implement measures to ensure permanent revegetation or cover of all disturbed areas. The permittee shall perform regular clean-up and proper disposal of floating or submerged trash and garbage resulting from activities authorized by this permit;
- k. The permittee shall implement, as necessary, a system for the collection, storage, treatment, and disposal of sewage and other putrescible wastes;
- l. Appropriate measures must be taken to prevent the deposition of airborne pollutants such as spray paint, herbicides, excessive road dust, etc. from entering any waterbody.

2. Plan Content for Construction Activities

- a. A Qualified Credentialed Professional must prepare the BMP Plan that addresses the land disturbance activities. Permittee shall implement a BMP Plan describing structural and non-structural practices which will be implemented and maintained to prevent/minimize the discharge of all sources of pollution (i.e., sediment, trash, garbage, debris, oil & grease, chemicals, materials, etc.) to State waters in storm water runoff. The Plan must be designed to address the following goals: (1) to divert upslope water around the site; (2) to limit the exposure of disturbed areas to precipitation to the shortest amount of time possible; (3) to minimize the amount of surface area that is disturbed; and (4) to remove sediment, nutrients, and other pollutants from the storm water before it leaves the site.
- b. The BMP Plan means implementation and continued maintenance of effective structural and non-structural practices and management strategies to prevent and minimize the introduction of pollutants to stormwater and to treat stormwater to remove pollutants prior to discharge. The Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas, Alabama Soil and Water Conservation Committee (ASWCC) March 2009 edition and current industry standards shall be used as necessary to maintain compliance.
- c. Dilution water shall not be added to achieve compliance with discharge limitations except when the Director or his designee has granted prior written authorization for dilution to meet water quality requirements.

- d. The permittee must implement measures to ensure permanent revegetation or cover of all disturbed areas. The permittee shall perform regular clean-up and proper disposal of floating or submerged trash and garbage resulting from activities authorized by this permit.
 - e. The permittee shall implement, as necessary, a system for the collection, storage, treatment, and disposal of sewage and other putrescible wastes.
 - f. All construction and worker debris (e.g., trash, garbage, etc.) must be immediately removed and disposed of in an approved manner. No rubbish, trash garbage, refuse, or other such materials shall be discharged into waters of the State of Alabama.
 - g. Appropriate measures must be taken to prevent the deposition of airborne pollutants such as spray paint, herbicides, excessive road dust, etc. from entering any waterbody.
 - h. All materials used as fill for construction purposes must be non-toxic, non-acid forming and free of solid waste or other debris unless approved by the Department.
 - i. Include a diagram of the facility showing the direction of the storm water flow, the discharge point(s), and the locations of any structures or other mechanisms intended to prevent pollution of storm water or to remove pollutants from storm water, the locations of any collection and handling systems. The site map should also identify the location, size, and contents of any tanks.
 - j. Bear the signature of the landfill manager or corporate official.
3. Compliance Schedule: The permittee shall have prepared and fully implemented the BMP upon the date coverage is granted.
4. Department Review
- a. When requested by the Director or his designee, the permittee shall make the BMP available for Department review.
 - b. The Director or his designee may notify the permittee at any time that the BMP is deficient and require correction of the deficiency.
 - c. The permittee shall correct any BMP deficiency identified by the Director or his designee within 30 days of receipt of notification and shall certify to the Department that the correction has been made and implemented.
5. Administrative Procedures
- a. A copy of the BMP shall be maintained at the landfill and shall be available for inspection by representatives of the Department.
 - b. A log of the twice per week inspections required above shall be maintained at the landfill and shall be available for inspection by representatives of the Department. The log shall contain records of all inspections performed and any corrective actions taken for the last three years and each entry shall be signed by the person performing the inspection.
 - c. The permittee shall provide training for any personnel required to implement the BMP and shall retain documentation of such training at the facility. This documentation shall be available for inspection by representatives of the Department. Training shall be performed prior to the date that implementation of the BMP is required.
 - d. **BMP Plan Modification**. The permittee shall amend the BMP plan whenever there is a change in the facility or change in operation of the facility which materially increases the potential for the ancillary activities to result in a discharge of significant amounts of pollutants.

C. DISCHARGE(S) TO IMPAIRED WATERS REQUIREMENTS

1. Requirements Applicable to a Facility Eligible for Coverage, or Covered, under this Permit with Discharge(s) to 303(d) Listed Waters
This permit does not authorize new sources or new dischargers of pollutants of concern to impaired waters unless consistent with an EPA-approved or EPA-established Total Maximum Daily Load (TMDL) and applicable State law. Impaired waters are those that do not meet applicable water quality standards and are identified by an EPA-approved or EPA-established TMDL and/or on the State of Alabama's 303(d) list. Pollutants of concern are those pollutants for which the water body is listed as impaired and which contribute to the listed impairment.
 - a. The facility eligible for coverage, or covered, under this permit must determine whether its discharge(s) contributes directly or indirectly to a waterbody that is included on the latest 303(d) list or otherwise designated by the Department as impaired or is included in an EPA-approved or EPA-established TMDL. If the facility has discharges meeting this criterion, it must comply with Part IV.C., if its discharge does not meet this criterion, Part IV.C. does not apply to the facility.
 - b. Facilities that discharge into a receiving water which is listed on the State of Alabama's 303(d) list of impaired waters, and with discharges that contain the pollutant(s) for which the waterbody is impaired, must by April 30th of the following year or within 6 months of such approval of the 303(d) list or applicable TMDL or establishment of TMDL by EPA (whichever is longer), document in its BMP plan how the BMPs will control the discharge of the pollutant(s) of concern, and must ensure that there will be no increase of the pollutants of concern. A monitoring plan to assess the effectiveness of the BMPs in achieving the allocations must also be included in the BMP plan.
 - c. If the facility discharges to a waterbody described above, it must also determine whether a total maximum daily load (TMDL) has been developed and established or approved by EPA for the listed waterbody. If a TMDL is established or approved during this permit cycle by USEPA for any waterbody into which the facility discharges, the facility must review the applicable TMDL to see if it includes requirements for control of storm water discharges. By April 30th of the following year or within 6 months of such approval of the applicable TMDL or establishment of TMDL by EPA (whichever is longer), the facility must notify the Department on how it will modify its BMP plan to include best management practices specifically targeted to achieve the allocations prescribed by the TMDL. Revised BMP plans must be submitted to the Department for review. The facility must include a monitoring component in the BMP plan to assess the effectiveness of the BMPs in achieving the allocations. If the facility cannot ensure its discharges will not cause or contribute to impairment, then the facility must apply for and obtain permit coverage under an individual permit.
2. Requirements Applicable to a Facility Eligible for Coverage, or Covered, under this Permit with Discharges into Waters with EPA-Approved or EPA-Established TMDLs
 - a. The facility must determine whether the EPA-approved or EPA-Established TMDL is for a pollutant likely to be found in discharges from its facility.
 - b. The facility must determine whether the TMDL includes a pollutant allocation or other performance requirements specifically for discharges from its facility.
 - c. If, after the determinations above have been made and if it is determined that the facility must implement specific allocation provisions of the TMDL, then the facility must assess whether the allocations are being met through implementation of existing control measures or if additional control measures are necessary.
 - d. The facility must document all control measures currently being implemented or planned to be implemented, to include a schedule of implementation for all planned controls, and must document calculations or other evidence showing that the allocations will be met. Revised BMP plans must be submitted to the Department for review.

- e. If a TMDL contains requirements for control of pollutants from the facility's discharges, then the BMP plan must include BMPs specifically targeted to achieve the allocations prescribed by the TMDL. A monitoring plan to assess the effectiveness of the BMPs in achieving the allocations must also be included in the BMP plan. Implementation of the monitoring plan in accordance with Part IV.C.2 will determine whether the controls are adequate to meet the TMDL allocations. If the facility cannot comply with the requirements of the TMDL, then the facility must apply for and obtain permit coverage under an individual permit.
- f. If the evaluation shows that additional or modified controls are necessary, the facility must describe the type and schedule for the control additions/revisions in the BMP plan. The facility must also continue Paragraphs IV.C.2.d.-f. until two continuous monitoring cycles, as defined in the monitoring plan in accordance with Part IV.C.2., show that the TMDL allocations are being met or that water quality (WQ) standards are being met.

3. Requirements for New or Revised BMP Plans

New or revised BMP plans developed in accordance with Parts IV.C.1 and IV.C.2 above must be submitted to the Department for review by April 30th of the year following EPA approval of the 303(d) list or applicable TMDL or within 6 months of such approval of the 303(d) list or applicable TMDL or establishment of TMDL by EPA (whichever is longer).

Pearce, Jennifer

From: Guzman, Humberto
Sent: Wednesday, November 09, 2016 11:17 AM
To: Pearce, Jennifer
Subject: FW: Arrowhead/Perry County Landfill
Attachments: RE: Arrowhead Landfill; Arrowhead Landfill; RE: Continued run-off at Arrowhead; RE: Continued run-off at Arrowhead; FW: Continued run-off at Arrowhead; FW: Continued run-off at Arrowhead; RE: Perry County Associates LLC - Arrowhead Landfill ALG160167; Perry County Associates LLC - Arrowhead Landfill ALG160167; RE: Arrowhead landfill discharges continue; FW: Arrowhead landfill discharges continue; FW: Arrowhead landfill discharges continue; RE: Arrowhead landfill discharges continue; FW: Arrowhead landfill discharges continue; RE: Arrowhead landfill discharges continue; RE: Arrowhead landfill discharges continue

From: Guzman, Humberto
Sent: Wednesday, January 13, 2016 12:32 PM
To: Pearce, Jennifer <Pearce.Jennifer@epa.gov>
Subject: Arrowhead/Perry County Landfill

3rd and last set of emails.

Pearce, Jennifer

From: Guzman, Humberto
Sent: Monday, November 16, 2015 12:28 PM
To: 'Warren, Lee'
Subject: RE: Arrowhead landfill discharges continue

Thank you, Lee.

From: Warren, Lee [mailto:DLW@adem.state.al.us]
Sent: Monday, November 16, 2015 11:10 AM
To: Guzman, Humberto
Cc: Jones, Laurie
Subject: FW: Arrowhead landfill discharges continue

Humberto,

I do not yet have a copy; however, we will send you a copy of the report when it is available.

Thanks,

Lee

Lee Warren
Chief, Industrial General Permit Section
Industrial / Municipal Branch
Water Division
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, AL 36110
dlw@adem.state.al.us
(334) 271-7845

ADEM

Did you know you can submit your DMRs online using our newly enhanced E2 DMR Reporting System? To sign up and learn more, please visit the Department's E2 Reporting System webpage [here](#).

From: Guzman, Humberto [mailto:Guzman.Humberto@epa.gov]
Sent: Monday, November 16, 2015 9:24 AM
To: Warren, Lee
Cc: Olone, Dan; Jones, Laurie
Subject: FW: Arrowhead landfill discharges continue

Lee,

How are you today? We received this complaint below, and it appears that ADEM responded. Can you please send me a copy of the inspection/trip report?

Sincerely,
Humberto

From: Jones, Laurie
Sent: Monday, November 16, 2015 10:02 AM
To: Guzman, Humberto <Guzman.Humberto@epa.gov>
Subject: FW: Arrowhead landfill discharges continue

Laurie Jones
Environmental Engineer
Municipal and Industrial NPDES Enforcement Section
Clean Water Enforcement Branch
Region 4 EPA
phone: (404) 562-9201

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From: aracoordinator@gmail.com [<mailto:aracoordinator@gmail.com>] **On Behalf Of** Adam Johnston
Sent: Friday, November 13, 2015 2:01 PM
To: Jones, Laurie <JONES.LAURIE@EPA.GOV>
Cc: mitchell reid <mreid@alabamarivers.org>
Subject: Arrowhead landfill discharges continue

Dear Laurie,

Residents have alerted us to another continuous run-off at Arrowhead Landfill at the same place and location as earlier this yr where it ran for almost 30 days straight.

ADEM has been called multiple times and is actually sending an inspector there today.

Here are some pictures and video to add to the complaint.

Please let me know what comes of the inspector's report.

--

Adam Johnston

Alabama Rivers Alliance 2014 6th Ave North, Suite 200
Alliance Coordinator Birmingham, Al 35203
www.alabamarivers.org 205.322.6395

Pearce, Jennifer

From: Guzman, Humberto
Sent: Wednesday, November 09, 2016 9:33 AM
To: Pearce, Jennifer
Subject: FW: 2-3-2016 at Arrowhead Landfill, more unpermitted runoff

From: Warren, Lee [mailto:DLW@adem.state.al.us]
Sent: Wednesday, February 03, 2016 3:28 PM
To: Adam Johnston <ajohnston@alabamarivers.org>
Cc: Stearns, Brad <BLS@adem.state.al.us>; Dean, Glenda <GLD@adem.state.al.us>; Guzman, Humberto <Guzman.Humberto@epa.gov>; Jones, Laurie <JONES.LAURIE@EPA.GOV>
Subject: RE: 2-3-2016 at Arrowhead Landfill, more unpermitted runoff

Mr. Johnston,

For clarification, can you please provide the latitudinal and longitudinal coordinates of this outfall?

Thank you,

Lee Warren
Chief, Industrial General Permit Section
Industrial / Municipal Branch
Water Division
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, AL 36110
dlw@adem.state.al.us
(334) 271-7845

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Did you know you can submit your DMRs online using our newly enhanced E2 DMR Reporting System? To sign up and learn more, please visit the Department's E2 Reporting System webpage [here](#).

From: aracoordinator@gmail.com [mailto:aracoordinator@gmail.com] **On Behalf Of** Adam Johnston
Sent: Wednesday, February 03, 2016 11:06 AM
To: Stearns, Brad; Warren, Lee; Dean, Glenda; Guzman.Humberto@epa.gov; Laurie Jones
Subject: 2-3-2016 at Arrowhead Landfill, more unpermitted runoff

Today at Arrowhead Landfill, thousands of gallons of water runoff/stormwater are leaving the landfill at an unpermitted outfall

--

Adam Johnston

Alabama Rivers Alliance
Alliance Coordinator
www.alabamarivers.org

2014 6th Ave North, Suite 200
Birmingham, Al 35203
205.322.6395

Pearce, Jennifer

From: Guzman, Humberto
Sent: Thursday, December 10, 2015 6:57 AM
To: Warren, Lee
Cc: O'Lone, Dan; Jones, Laurie
Subject: RE: Arrowhead Landfill

Thank you for the information, Lee.

Humberto

From: Warren, Lee [mailto:DLW@adem.state.al.us]
Sent: Wednesday, December 09, 2015 5:10 PM
To: aracoordinator@gmail.com
Cc: Stearns, Brad ; Dean, Glenda ; Guzman, Humberto
Subject: Arrowhead Landfill

Mr. Johnston,

RE: Perry County Associates LLC
Arrowhead Landfill - NPDES Permit Number ALG160167
622 Tayloe Road
Uniontown, AL 36786
Perry County (105)

What's the result of the most recent Inspector's report?

The most recent, 11/13/15, NPDES inspection report is in ADEM's e-File under ALG160167. Below is a link to the e-File system:

<http://app.adem.alabama.gov/eFile/>

Why is the landfill continuing to have unpermitted discharges and ADEM not issuing any permit violations?

The drainage area that the Department believes you are referencing has been evaluated and it does not currently appear to have industrial storage/industrial activities occurring; therefore, the outfall would not require NPDES permitting. Prior to an inspection of this area, Department personnel contacted you to determine the location of your complaint. If you believe the Department has not observed the area of your concern, please provide a map with the indicated area or the actual latitudinal / longitudinal coordinates for the Department's review.

Is ADEM giving all callers who are complaining of this landfill a complaint number?

Typically, each identified complainant is assigned a complaint number. Every online complaint receives a unique complaint number. However, if multiple complaints are received via telephone or via mail with the same pertinent information, they may be grouped under one complaint number for more efficient handling.

Are you able to visit the site yourself?

There have been multiple NPDES Permit inspections (4/17/15 and 11/13/15) conducted this year which are available for public review on the Department's e-File system.

When we will the landfill stop violating its permit?

The Water Division is not aware of any NPDES compliance issues which have not been addressed.

Lee Warren
Chief, Industrial General Permit Section
Industrial / Municipal Branch
Water Division
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, AL 36110
dlw@adem.state.al.us
(334) 271-7845

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From: aracoordinator@gmail.com [<mailto:aracoordinator@gmail.com>] **On Behalf Of** Adam Johnston

Sent: Monday, December 07, 2015 4:13 PM

To: Dean, Glenda; Stearns, Brad

Subject: Continued runoff at Arrowhead

Dear ADEM,

Attached is a recent video from last Friday, December 4th, from the Arrowhead Landfill. There has been many days this landfill has been overflowing. I have a few questions for you:

What's the result of the most recent Inspector's report?

Why is the landfill continuing to have unpermitted discharges and ADEM not issuing any permit violations?

Is ADEM giving all callers who are complaining of this landfill a complaint number?

Are you able to visit the site yourself?

When we will the landfill stop violating its permit?

--

Adam Johnston

Alabama Rivers Alliance 2014 6th Ave North, Suite 200
Alliance Coordinator Birmingham, Al 35203
www.alabamarivers.org 205.322.6395

Pearce, Jennifer

From: Guzman, Humberto
Sent: Tuesday, December 01, 2015 10:55 AM
To: Warren, Lee
Cc: Jones, Laurie; Roberts, Evan L; O'Lone, Dan
Subject: RE: Perry County Associates LLC - Arrowhead Landfill ALG160167

Evan and Lee,

How are you today? Thank you very much for inspecting the landfill. We appreciate your assistance.

Humberto

From: Warren, Lee [mailto:DLW@adem.state.al.us]
Sent: Tuesday, December 01, 2015 9:57 AM
To: Guzman, Humberto
Cc: Jones, Laurie
Subject: Perry County Associates LLC - Arrowhead Landfill ALG160167

Humberto,

Attached is a copy of the 11/13/15 inspection report/photos.

Thanks,

Lee

Lee Warren
Chief, Industrial General Permit Section
Industrial / Municipal Branch
Water Division
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, AL 36110
dlw@adem.state.al.us
(334) 271-7845

ADEM

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Pearce, Jennifer

From: Warren, Lee <DLW@adem.state.al.us>
Sent: Tuesday, December 01, 2015 9:57 AM
To: Guzman, Humberto
Cc: Jones, Laurie
Subject: Perry County Associates LLC - Arrowhead Landfill ALG160167
Attachments: 17668_ALG160167_105_11-13-2015_INSPR_LDG_NA.PDF; 17668_ALG160167_105_11-13-2015_INSPR_LDG_PHOTOS.PDF

Humberto,

Attached is a copy of the 11/13/15 inspection report/photos.

Thanks,

Lee

Lee Warren
Chief, Industrial General Permit Section
Industrial / Municipal Branch
Water Division
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, AL 36110
dlw@adem.state.al.us
(334) 271-7845

ADEM

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LANCE R. LEFLEUR
DIRECTOR



ROBERT J. BENTLEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov
1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

November 16, 2015

Ernest Kaufmann
Perry County Associates, LLC
134 Riverstone Terrace, Suite 203
Canton GA 30114

RE: Facility Inspection
Arrowhead Landfill
NPDES Permit # ALG160167
FID 35125.10
Perry County (105)
Inspected 11/13/2015

Dear Mr. Kaufmann:

Enclosed is a copy of an inspection report for the above referenced facility. A copy of the inspection report has been transmitted to the Department's Water Division for a compliance determination and any follow-up as appropriate.

Should you have any questions regarding permitting, compliance, enforcement, or any follow-up action you should take to address any deficiencies noted, please contact your ADEM permit staff contact or the Water Division in Montgomery at H2Omail@adem.state.al.us or by phone at (334) 271-7799.

Should you have any questions regarding observations noted during the inspection, please contact me by email at elroberts@adem.state.al.us or by phone at (205) 942-6168.

Sincerely,

A handwritten signature in black ink, appearing to read "Evan Roberts". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Evan Roberts
Birmingham Branch
Field Operations Division

File: INSPR/17668
ecopy: Water Division
Enclosure: Inspection Report

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Penimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
4171 Commanders Drive
Mobile, AL 36615-1421
(251) 432-6533
(251) 432-6598 (FAX)



Alabama Department of Environmental Management
NPDES INSPECTION REPORT

Company/Operator/Permittee: Perry County Associates, LLC		FID 35125.10	Phone Number: (770)720-2717	
Mailing Address: 134 Riverstone Terrace, Suite 203		City Canton	State GA	Zip Code 30114
Responsible Official/Operator Name: Ernest Kaufmann				

Facility Name: Arrowhead Landfill	NPDES Permit #: ALG160167	Permit Effect Date: 02/01/2012	Inspection Entry Date & Time: 11/13/2015 12:49 PM	County: Perry
Activity Description Solid Waste Landfill	NMS Inspection #: 51277	Permit Expire Date: 01/31/2017	Inspection Exit Date & Time: 11/13/2015 2:57 PM	Report Complete Date: 11/16/2015
Inspection Type: (X) CEI () CSI () PAI Routine () Complaint (X) Photos Taken (X) Samples Collected ()				

Township, Range, Section: T17N, R6E, S23
Physical Address/Location Description (include nearest city): County Road 1, near Perry, AL

Entrance Latitude & Longitude: 32.413512, -87.473396
Discharge Point(s) Latitude & Longitude: 32.41486, -87.465887, 32.41481, -87.47281; 32.41019, -87.46792
Receiving Water(s): UT Tayloe Creek, UT Chilatchee Creek
Weather Conditions: Partly cloudy and cool

Summary:


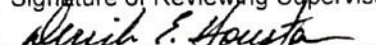
Inspection was conducted in response to a complaint of a whitish discharge on the south side of the facility. Stormwater was observed leaving landfill property near southeast corner of facility, at latitude 32.41019, longitude -87.46792, downgradient from non-landfill areas. This area had a slight discharge. See sample results on page 3.

Areas not in use had been grassed since the 4/17/2015 inspection. Grass was patchy in area near southeast side of facility. Facility outfalls were not discharging.

According to facility records, pH was analyzed out of holding time for samples collected on 6/29/2015.

Name(s) of On-site Representative(s) and Phone Numbers:

John Sikes, (334)247-2126

Name of Inspector: Evan Roberts	Signature of Inspector: 	Date: 11/16/2015
Name of Reviewing Supervisor: Derick Houston	Signature of Reviewing Supervisor: 	Date: 11/16/2015

FOD Office: Birmingham

NPDES INDUSTRIAL STORMWATER INSPECTION REPORT

FACILITY NAME: Arrowhead Landfill

PERMIT NUMBER: ALG160167

I. RECORDS

A. Copy of Permit Available	N/A	X	YES	NO	Comment #
B. Discharge Monitoring Reports (DMRs) Available	N/A	X	YES	NO	Comment #
DMRs Retained for 3 Years	N/A	X	YES	NO	Comment #
C. Laboratory Records Available	N/A	X	YES	NO	Comment #
Laboratory Records Retained for 3 Years	N/A	X	YES	NO	Comment #
D. Commercial Lab Used for Reported Analyses	N/A	X	YES	NO	Comment #
Name: Analytical Services, Inc.	Location: Norcross, GA				
E. Adequate Records Maintained of::					
1. Sample Date, Time and Location	N/A	X	YES	NO	Comment #
2. Analyses Date and Time	N/A	X	YES	NO	Comment #
3. Analytical Methods	N/A	X	YES	NO	Comment #
4. Standard Methods/EPA Approved Analytical Method	N/A	X	YES	NO	Comment #
5. Analyst	N/A	X	YES	NO	Comment #
6. Lab Equipment Calibration and Maintenance	N/A	X	YES	NO	Comment #
7. Rainfall Data	N/A	X	YES	NO	Comment #
F. Correct Name and Mailing Address of Permittee	N/A	X	YES	NO	Comment #

II. POLLUTION PREVENTION PRACTICES/PLANS

A. Best Management Practices (BMP) Plan Available	N/A	X	YES	NO	Comment #
Last Update to BMP Plan: January 2015					
B. BMP Measures Appear Adequate, If no provide	N/A	X	YES	NO	Comment #
C. BMP Training Records Available	N/A	X	YES	NO	Comment #
D. BMP Inspection Records Available	N/A	X	YES	NO	Comment #
Inspection Records Retained for 3 Years	N/A	X	YES	NO	Comment #
E. Spill Prevention Control and Countermeasures (SPCC) Plan Available	N/A	X	YES	NO	Comment # 1
Last Update to SPCC: January 2015					
List Tanks and Capacities in Comment Section					
F. Pollution Prevention (P2)/Source Reduction Plan and/or P2 Practices	N/A	X	YES	NO	Comment #
G. All Discharges Appear to be properly Permitted	N/A	X	YES	NO	Comment #
H. Adequate Containment for Products/Byproducts and Waste Materials	N/A	X	YES	NO	Comment #

III. MONITORING INFORMATION

A. Flow Measurement					
Method of measurement on Non-Stormwater Outfalls: Instantaneous Weir Other					
B. Sampling					
1. Location(s) Adequate	N/A	X	YES	NO	Comment #
2. Sample Type(s) Agree with Permit	N/A	X	YES	NO	Comment #
3. Preservation Techniques Agree with 40 CFR 136	N/A	X	YES	NO	Comment #
4. Sample Holding Times Agree with EPA Guidance	N/A	YES	X	NO	Comment # 2
5. Monitoring and Analyses Performed More Frequently Than Required	N/A	YES	X	NO	Comment #
6. If Yes to 5, Results are Reported in Permittee's Self Monitoring Report	X	N/A	YES	NO	Comment #
7. Stormwater Samples Collected in Accordance with Permit Requirements	N/A	X	YES	NO	Comment #

N/A – Not Applicable

NPDES INDUSTRIAL STORMWATER INSPECTION REPORT

IV. EFFLUENT/RECEIVING WATER VISUAL OBSERVATIONS

Outfall(s) have Oil Sheen	YES	X NO	Comment #
Outfall(s) have Visible Foam	YES	X NO	Comment #
Outfall(s) have Visible Floating Solids	YES	X NO	Comment #

V. COMMENTS

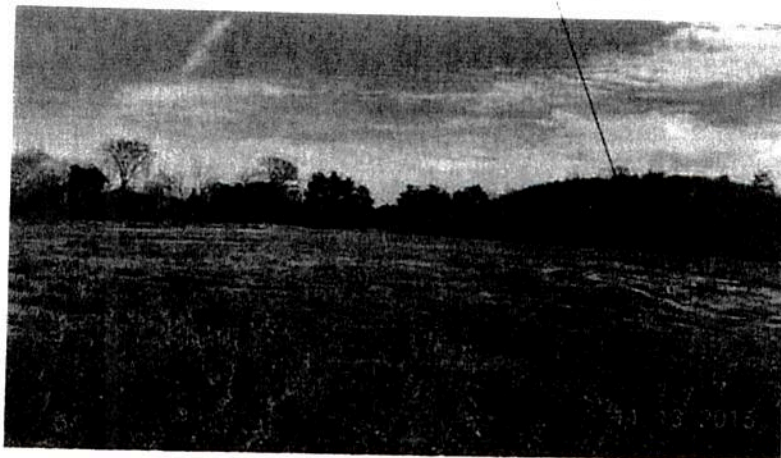
Comment No.	Comment	Photograph No.
1	No fuel or chemical storage. Leachate tank was within secondary containment.	
2	pH was analyzed out of holding time for samples collected on 6/29/2015.	

VI. SAMPLE RESULTS

- Outfalls were not discharging.
- Stormwater discharge alongside County Road 21:
- pH = 7.50 s.u
- Dissolved oxygen = 5.18 mg/L
- Turbidity = 9.64 NTUs.

Perry County Associates, LLC
Arrowhead Landfill
ALG160167
Perry County
Evan Roberts
November 13, 2016

Area had been grassed since previous inspection. Grass was patchy.



To right of previous. Area had been grassed since previous inspection. Grass was patchy.



3

Drainage ditch downgradient of previous photo.



4

Landfill area. Road. Drainage ditch for non-landfill areas.



Drainage ditch downgradient of non-landfill areas.



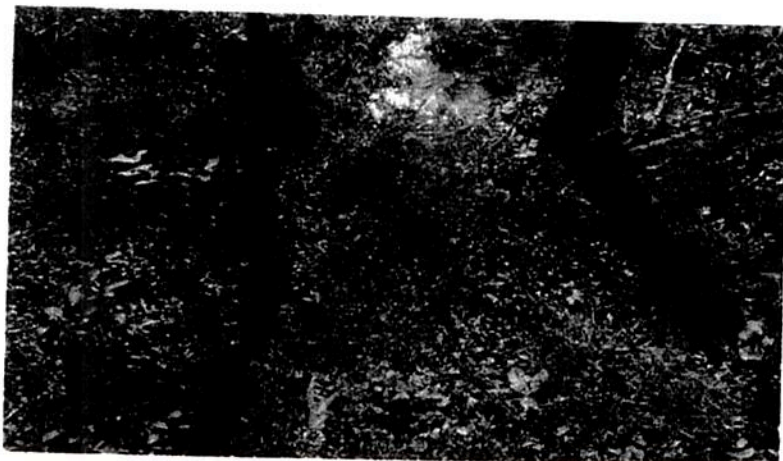
Pool of water. Check dam.



Edge of pool.



Minimal discharge from pool to roadside ditch.



Light-colored sediment staining on leaves around roadside ditch.



Pond for outfall 001-2.



43

Outfall 001-2 was not discharging.



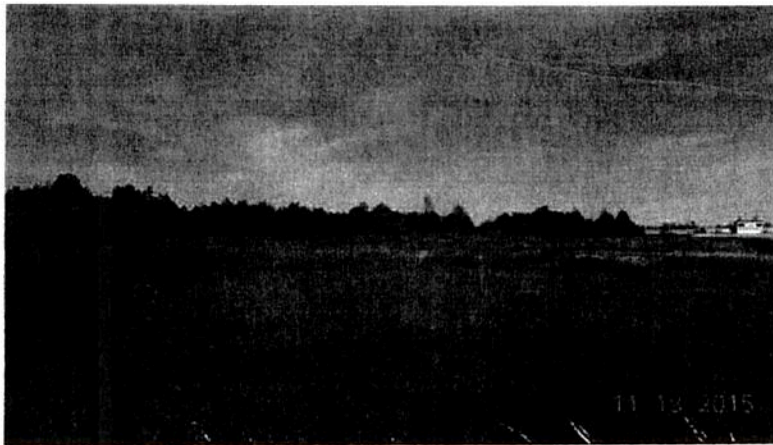
No flow.

44

Area near outfall 001-2 had been grassed since previous inspection.



To right of previous.



Pond for outfall 001-1.



Outfall 001-1 was not discharging.



Leachate tank.



Inside of secondary containment structure.



